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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,743

04/04/2000

Allan Havemose

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01/15/2004

EXAMINER

TRUONG, LECHI

GATEWAY, INC.

ATTN: SCOTT CHARLES RICHARDSON

610 GATEWAY DR., Y-04

N. SIOUX CITY, SD 57049

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 01/15/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,743

Applicant(s)

HAVEMOSE, ALLAN

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are presented for examination. Applicant elected group I (claims 1-24) and claims 25-39 had been withdraw from consideration.
2. This application contains claims 25-39 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
2. Applicant is required to cancel all non-elected claims (25-39).
3. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on page 1, ln 1-12). The entire specification should be so revised.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al (Us Patent 6,473,740 B2) in view of Gilchrist et al (US. Patent 5,768,505).

6. **As to claim 1**, Corkrill teaches the invention substantially as claimed including a method of performing a transaction in a network (transaction network, col 3, ln 54-67), comprising receiving content (the purchase, the purchased item, col 4, ln 40-56/ col 7, ln 60-67); an transaction object (a transaction record, col 4, ln 35-56/ col 7, ln 60-67/ a transaction network request, col 19, ln 5-30), a fist digital information appliance (the customer, col 4, ln 35-56/ col 7, ln 60-67); monitoring usage of the content (the price of the selected item, col 19, ln 5-30), a utilization event of the monitored usage (the identity of the user, col 19, ln 5-30), an occurrence of the utilization event (a pending transaction record, the sum of the prices of the pending transaction records indicating the identity of user, col 19, ln 5-35), storing an occurrence of the utilization (storing a pending transaction record indicating identify of the user...the purchase request originated, col 20, ln 1-25), transmitting data related the stored occurrence (forward payment request , col 9, ln 10-20), a network(a secure network , col 9, ln 10-20).

7. Cockrill does not teach the step of encapsulated for transaction object. However, Gilchrist teaches the step of encapsulated transaction object (a message is received as a class of message objects, col 3, ln 1-25).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gilchrist to Cockrill because Cockrill encapsulated transaction would improve the performance of Gilchrist 's system by reducing the time and cost needed to implement the specific mail.

9. **As to claim 2**, Cockrill teaches request is send over a network connection (network, col 7, ln 43-67).

10. **As to claim 13, it is an apparatus claim of claim 1**; therefore, it is rejected for the same reason as claim 1 above. Additional, in claim 13, Corkrill teaches processor on a digital information appliance (CPU 510, col 9, ln 42-45), a network connection device (a network connection, col 9, ln 42-45), a memory (memory, col 9, ln 25-30).

11. **As to claim 14**, it is an apparatus claim of claim 2, it is rejected for the same reason as claim 2 above.

12. Claims **3-6, 8-12, 15-18, 20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al (US Patent 6,473,740 B2) in view of Gilchrist et al (US. Patent 5,768,505) and further in view of Saulpaugh et al (US. Patent 5,590, 334).

13. **As to claim 3**, Cockrill and Gilchrist do not teach a request object. However, Saulpaugh teaches a request object (the object oriented passing unit, col 3, ln 24-67).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cockrill and Gilchrist and Saulpaugh because Saulpaugh

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's request object would reduce the time required to perform time critical operations between client tasks and server tasks.

15. **As to claim 4**, Saulpaugh teaches a request interface dynamic base object (a message object, an acceptance function with a port object, acceptance function for performing one or more services, col 3, ln 23-67).

16. **As to claim 5**, Cockrill teach the user-defined criterion (payment information, col 4, ln 35-65).

17. **As to claim 6**, Cockrill teach cost, pricing (payment, col 11, ln 15-35), plurality digital information appliances (number of customers, col 3, ln 54-67).

18. **As to claim 8**, Cockrill teach the first and second of transaction object (a pending transaction record, the sum of the prices of the pending transaction records indicating the identity of user, col 19, ln 5-35).

19. Saulpaugh teaches the interface dynamic base object and implement dynamic object (a message object, an acceptance function with a port object, acceptance function for performing one or more services, col 3, ln 23-67).

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20. **As to claim 9**, Cockrill teaches payment (payment information, col 4, ln 30-57) and Gilchrist teaches algorithm for the payment of transaction object (message is received as a class of message objects, with out modify the system program, col 3, ln 1-25).

21. **As to claim 10**, Corkrill teaches the second digital information appliance (one of merchants, col 3, ln 55-67 to col 4, ln 1-20).

22. **As to claim 11**, Corkrill teaches a central transaction authenticator (centralized, automated services, col 4, ln 1-30), storing and updating user account information (customer account management, col 4, ln 1-15).

23. **As to claim 12**, Corkill teaches media and network connection (network as well as an electronic mail, col 4, ln 35-55).

24. **As to claims 15- 24**, they are an apparatus claim of claims 4-12. Therefore, they are rejected for the same reason as claims 4-12 above.

25. Claims **7, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al (Us Patent 6,473,740 B2) in view of Gilchrist et al (US. Patent 5,768,505) and further in view of Sato (Facsimile system)

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26. **As to claim 7**, Corkrill and Gilchrist do not teach saving the occurrence of the utilization event when the network connection is not available. However, Sato teaches saving the occurrence of the utilization event when the network connection is not available (the transmission line is busy the transfer is not available, the read picture information is stored in a SAF memory, page 1).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cockrill and Gilchrist and Sato because the storing information would improve a transmission without incurring cost increase.

28. **As to claim 19**, it is an apparatus claim of claim 7. It is rejected for the same reason as claim 7 above.

29. ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

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LeChi Truong
January 13, 2004